

man, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Snelson, the resolution was adopted by a rising vote of the Senate.

Memorial Resolutions

S. R. No. 169—By Senator Watson: Memorial resolution for John E. Whitby.

S. R. No. 171—By Senator Watson: Memorial resolution for James Leath.

S. R. No. 173—By Senator Snelson: Memorial resolution for Mrs. Mae M. Ament.

Welcome and Congratulatory Resolutions

S. R. No. 168—By Senator Watson: Extending congratulations to Henry Collins.

S. R. No. 170—By Senator Watson: Extending appreciation to H. C. (Hank) Schulte.

S. R. No. 172—By Senator Watson: Extending congratulations to student leaders from East Asia participating in "The Experiment in International Living."

S. R. No. 174—By Senator Watson: Extending welcome to Otis Gardner.

S. R. No. 175—By Senator Watson: Extending welcome to Mrs. Polly Cole, et al.

S. R. No. 176—By Senator Watson: Extending welcome to Harvey Davis.

S. R. No. 177—By Senator Watson: Extending welcome to Mr. and Mrs. Ted Myatt.

S. R. No. 178—By Senator Herring: Extending welcome to teachers and students from Fourth Grade, Becker Elementary School.

S. R. No. 179—By Senator Watson: Extending welcome to J. M. Moor-

ton: Extending welcome to Mr. and Mrs. B. N. Kutcher, et al.

Adjournment

On motion of Senator Aikin, the Senate at 11:44 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

FOURTEENTH DAY

(Wednesday, February 3, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Creighton

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Herring.

Reports of Standing Committees

Senator Herring submitted the following reports for the Committee on Jurisprudence:

S. B. No. 66.

S. B. No. 67.

Senator Jordan submitted the following report for the Committee on Labor and Management Relations:

S. B. No. 35.

Message From the House

Hall of the House of Representatives
Austin, Texas,
February 3, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 7, Proposing an amendment to Sections 2 and 5, Article VII, Constitution of the State of Texas.

H. J. R. No. 18, Proposing an amendment to Article III, Section 24, of the Texas Constitution.

H. J. R. No. 21, Proposing an amendment to Article XVII, Section 1, of the Texas Constitution, to alter the procedure for amending the Constitution.

S. C. R. No. 12, Honoring Howard P. Steinle on his retirement.

S. C. R. No. 13, Calling a Joint Session of the Texas Legislature to honor the wives and families of the Texas prisoners of war in southeast Asia.

S. C. R. No. 14, In memory of Harry Bengé Crozier.

S. J. R. No. 5, Proposing an amendment to Article III, Section 51-a, of the Texas Constitution, authorizing the Legislature to enact legislation and appropriate funds for assistance grants, medical care, and rehabilitation services for needy individuals and families.

(With Amendments.)

H. C. R. No. 23, In memory of Walter C. Hornaday.

H. C. R. No. 24, In memory of E. M. (Ted) Dealey.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Hall:

S. B. No. 194, A bill to be entitled "An Act re-enacting and amending Sections 1, 3, 4, 7, 12, 18, 19, 21, 22, 24(b), 25(c) and 28 and adding new Sections 21A and 25A of Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (compiled as Article 6687b, Vernon's Texas Civil Statutes); providing definitions for the terms 'hazardous traffic law violations,' 'cancellation of driver's license,' 'license authorized to operate a motor vehicle,' 'suspension of driver's license' and 'conviction'; providing for extension of driver licenses of persons in the armed forces; providing that negligent or willful misconduct of minors under eighteen (18) years of age shall be imputed to person signing their application; authorizing the Department to establish a procedure to determine the brake horsepower of motorcycle for driver license purposes and establishing a fee for such application; providing that all peace officers may stop and detain any motorcycle to determine if the motorcycle, motorscooter or motorized bicycle is of a model and make certified by the Department; establishing the expiration date for all driver licenses; establishing the fees for driver licenses; establishing the fees for certain information furnished to individuals by the Department; providing that One Dollar (\$1.00) of license fee be placed in Department of Public Safety Building Fund; limiting liability for information and reports of Medical Advisory Board and its members; establishing grounds for the suspension of all classes of driving licenses and privileges after hearing; providing for the establishment of a uniform system of demerit points; providing for an appeal from action suspending drivers' licenses of all classes; changing the period of suspension in mandatory driver license situations from one (1) year to sixty (60) days for the first offense and from eighteen (18) to twelve (12) months for second offense within five (5) years; authorizing the cancellation of drivers' licenses in certain situa-

tions; providing for the suspension of a resident's driver's license based upon conduct in another state; providing for severability; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 195, A bill to be entitled "An Act establishing a Public Records Commission of Texas to supervise and control microfilm recording of public records in Texas; amending Article 6574, Revised Civil Statutes of Texas, 1925, repealing all laws, or parts of laws, in conflict to the extent of conflict; providing for severability; and declaring an emergency."

To Committee on State Affairs.

By Senator Hall:

S. B. No. 196, A bill to be entitled "An Act pertaining to arrest without warrant of persons about to escape after committing a misdemeanor involving violence against another person; amending Article 14.04, Code of Criminal Procedure, 1965; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 197, A bill to be entitled "An Act relating to providing a presumption that a person knowingly receives or conceals stolen property under certain circumstances; amending Article 1430, Penal Code of Texas, 1925; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 198, A bill to be entitled "An Act relating to the certification of schools offering instruction at preschool, kindergarten, or elementary grade levels; amending Subchapter B of Chapter 11, Texas Education Code, by adding a new Section 11.261; and declaring an emergency."

To Committee on Education.

By Senator Hall:

S. B. No. 199, A bill to be entitled "An Act amending the Code of Criminal Procedure, 1965, by adding a new Article 18.31 relating to the interception of wire or oral communications; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 200, A bill to be entitled

"An Act relating to expulsion from state-supported institutions of higher education of students engaging in vandalism, destruction of property, or disruptive activities; and declaring an emergency."

To Committee on Education.

By Senator Hall:

S. B. No. 201, A bill to be entitled "An Act prohibiting the resistance of any lawful arrest by an officer; providing penalties; amending Section (a), Article 341, Penal Code of Texas, 1925, as amended; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 202, A bill to be entitled "An Act authorizing the issuance of search warrants to search for and seize evidence of a crime; amending Article 18.02, Code of Criminal Procedure, 1965; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 203, A bill to be entitled "An Act relating to the possession of paraphernalia used in connection with bookmaking; providing penalties; amending Chapter 2, Acts of the 45th Legislature, 1st Called Session, 1937 (Article 652a, Vernon's Texas Penal Code), by adding Section 6a; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 204, A bill to be entitled "An Act increasing the minimum penalty for murder; increasing the maximum penalty the jury may assess for murder if the jury fails to find malice aforethought; amending Article 1257, Penal Code of Texas, 1925, as amended; amending Section 3-a, Chapter 274, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 1257b, Vernon's Texas Penal Code); and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 205, A bill to be entitled "An Act amending Article 21.24, Code of Criminal Procedure, 1965, relating to charging more than one offense in an indictment; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 206, A bill to be entitled "An Act relating to the penalty for assault with intent to murder; amending Section 1, Article 1160, Penal Code of Texas, 1925, as amended; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 207, A bill to be entitled "An Act relating to the teaching of a course in the public schools on the dangers of crime and narcotics; amending Section 1, Chapter 484, Acts of the 61st Legislature, Regular Session, 1969 (Article 2654-1e, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Education.

By Senator Hall:

S. B. No. 208, A bill to be entitled "An Act relating to the creation of mutual aid law enforcement task forces by agreement between counties or municipalities; amending Chapter 81, Acts of the 61st Legislature, Regular Session, 1969 (Article 999b, Vernon's Texas Civil Statutes), by adding a new Section 2a; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Hall:

S. B. No. 209, A bill to be entitled "An Act increasing the minimum penalty for robbery; amending Article 1408, Penal Code of Texas, 1925; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Word:

S. B. No. 210, A bill to be entitled "An Act amending certain provisions of the Texas Business Corporation Act; amending Section A, Article 2.16, relating to payment for shares; amending Section B, Article 5.01, relating to merger of domestic corporations; amending Section B, Article 5.02, relating to consolidation of domestic corporations; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Schwartz:

S. B. No. 211, A bill to be entitled "An Act authorizing the county judge of certain counties to name assistants whose salary and certain other ex-

penses are to be paid from the County Available School Fund for the performance of certain duties formerly exercised by the county board of trustees and county superintendent; amending Chapter 63, Acts of the 57th Legislature, Third Called Session, 1962, as amended (Article 2688h, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Education.

By Senators Brooks, Jordan and Wallace:

S. B. No. 212, A bill to be entitled "An Act relating to the Firemen's Relief and Retirement Fund in certain cities; amending Sections 6B, 7B, and 7C, and Subsections (a) and (b), Section 10E, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senators Kennard and Bernal:

S. B. No. 213, A bill to be entitled "An Act relating to the creation, establishment, operation, and dissolution of a county civil service system in certain counties; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Kothmann:

S. B. No. 214, A bill to be entitled "An Act relating to the punishment for driving while intoxicated; amending Article 802, Penal Code of Texas, 1925, as amended; amending Subsection (a), Section 3, Article 42.13, Code of Criminal Procedure, 1965, as amended; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Herring:

S. B. No. 215, A bill to be entitled "An Act amending Section 5, Article 3883i, Vernon's Revised Texas Civil Statutes, relating to salaries of certain county officials; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Herring:

S. B. No. 216, A bill to be entitled

"An Act amending Section 4, Chapter 352, Acts of the 50th Legislature, as amended (Article 6228a, Vernon's Revised Texas Civil Statutes), by adding Subsection H to Section 4 allowing eligible members of the Employees Retirement System to claim service as a Criminal District Attorney, County Attorney performing the duties of a District Attorney, or as a member of certain Statewide Boards or Commissions as creditable service under the Employees Retirement System of Texas on making certain payments into the System; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Sherman:

S. B. No. 217, A bill to be entitled "An Act relating to the creation of a Juvenile Board for Deaf Smith County; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator McKool:

S. B. No. 218, A bill to be entitled "An Act relating to appeals from district court judgments and orders in primary election contests and to issuance of orders by the Court of Civil Appeals and the Supreme Court during pendency of an appeal; amending Subsection (12), Section 208, Texas Election Code (Article 13.30, Vernon's Texas Election Code); and declaring an emergency."

To Committee on Privileges and Elections.

By Senator McKool:

S. B. No. 219, A bill to be entitled "An Act relating to the service of process on nonresidents; amending Section 4, Chapter 43, Acts of the 56th Legislature, Regular Session, 1959 (Article 2031b, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Jurisprudence.

By Senator Mauzy:

S. B. No. 220, A bill to be entitled "An Act relating to requiring Department of Public Safety certification of certain automobile bumper standards for all new automobiles sold within the state; amending Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's

Texas Civil Statutes), by adding Section 136a; and declaring an emergency."

To Committee on Jurisprudence.

By Senators Mauzy and Harrington:

S. B. No. 221, A bill to be entitled "An Act relating to cancellation of motor vehicle insurance; amending the Texas Insurance Code by adding Article 5.06a; and declaring an emergency."

To Committee on Insurance.

By Senators Brooks, Watson and Wallace:

S. B. No. 222, A bill to be entitled "An Act authorizing and providing for supplemental aid programs for adult education where offered in public educational agencies toward the education of certain persons not having a high school education or the educational prerequisites for developing a saleable skill; providing for the financing thereof in part from state funds; providing that the Central Education Agency shall develop program, rules, and regulations for the implementation of this Act; amending Subchapter A, Chapter 11, Texas Education Code, by adding Section 11.16; amending Section 21.902, Texas Education Code; and declaring an emergency."

To Committee on Education.

By Senator Aikin:

S. B. No. 223, A bill to be entitled "An Act authorizing the transfer of funds currently appropriated to the State Securities Board; and declaring an emergency."

To Committee on Finance.

By Senator Hightower:

S. B. No. 224, A bill to be entitled "An Act prohibiting any person or persons on school property or on public property within five hundred feet of school property, from willfully disrupting school classes or other school activities, prescribing a penalty for violation, defining certain terms, making this Act cumulative of existing laws, and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hightower:

S. B. No. 225, A bill to be entitled "An Act amending and revising the following provisions of the Texas Probate Code: Subsections (c), (d), (e),

and (f), Section 33, as amended; Sections 34; 48; 49; 50; 51; 53; 54; 55; 59, as amended; 72, as amended; 73; 74; 81; 87; 95; 100; 102; 106; 110; 155; 156; 161; 162; 163; 164; 165, as amended; 167; 168; 177; Subdivision 6, Section 194, as amended; and Section 234; adding Subsections (i) and (j), Section 33, and Sections 36A and 149A, to the Texas Probate Code; ratifying certain self-proved wills; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Creighton:

S. J. R. No. 17, Proposing an amendment to Article III, Sections 49-c and 49-d, of the Texas Constitution, providing for use of not more than 10 percent of the amount of money in the Water Development Fund for construction of waste treatment facilities; increasing the interest rate ceiling on Water Development Bonds to six percent; providing additional funds; expanding the purposes of the fund; and changing the name of the fund to the Environmental Enhancement Fund.

To Committee on Constitutional Amendments.

By Senator Creighton:

S. J. R. No. 18, Proposing an amendment to Article III, Section 49-c, of the Texas Constitution, to provide for the issuance and sale of \$100 million in Water Development Bonds for the purpose of making money available to provide financial assistance for construction of waste treatment facilities.

To Committee on Constitutional Amendments.

By Senator Creighton:

S. J. R. No. 19, Proposing an amendment to Article III, Section 49-c, of the Texas Constitution, to remove the interest rate ceiling on Water Development Bonds.

To Committee on Constitutional Amendments.

By Senator Watson:

S. J. R. No. 20, Proposing amendments to Sections 33 and 40, Article XVI, Constitution of the State of Texas, to exempt directors of soil and water conservation districts from prohibitions against dual office-holding and dual compensation.

To Committee on Constitutional Amendments.

House Resolutions on First Reading

The following resolutions received from the House, were read the first time and referred to the Committees indicated:

H. J. R. No. 7, To Committee on Constitutional Amendments.

H. J. R. No. 18, To Committee on Constitutional Amendments.

H. J. R. No. 21, To Committee on Constitutional Amendments.

Senate Resolution 198

Senator Bernal offered the following resolution:

S. R. No. 198, Commending Cesar Chavez for his tireless and dedicated efforts for migrant farm workers.

The resolution was read.

Question—Shall S. R. No. 198 be adopted?

Messages From the Governor

The following messages received from the Governor were read and were referred to Committee on Nominations:

Austin, Texas,
February 3, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Pardons and Paroles: For a six-year term to expire February 1, 1977: Clyde Whiteside, of Seymour, Baylor County, to replace Jack Ross, of Austin, Travis County, whose term is expiring.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas

Austin, Texas,
February 3, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment, effective subsequent to the confirmation of the appointment of Clyde Whiteside to the Board of Pardons and Paroles: To be District Attorney of the 50th

Judicial District, until the next General Election and until his successor shall be duly elected and qualified: William H. Heatly, of Paducah, Cottle County, to replace Clyde Whiteside, of Seymour, Baylor County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
February 3, 1971.

To the Members of the 62nd Legislature, Regular Session:

Pursuant to the provisions of Section 5 of Article III of the Constitution of the State of Texas, and in compliance with House Rule XIX, Sec. 30, I herewith submit as an emergency matter the following:

A bill incorporating therein the subject matter, in whole or in part, of the House Appropriations Committee substitute for H. B. 213.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas

Report of Standing Committee

By unanimous consent, Senator Wilson submitted the following report for the Committee on Constitutional Amendments:

S. J. R. No. 20 (Floor Report).

Memorial Resolutions

S. R. No. 181—By Senator Schwartz: Memorial resolution for Mrs. Albertine Hall Yeager.

S. R. No. 182—By Senator Schwartz: Memorial resolution for Miss Lillian Edith Herz.

S. R. No. 183—By Senator Schwartz: Memorial resolution for John Paul Kaiser.

S. R. No. 184—By Senator Schwartz: Memorial resolution for Paul A. Miligan.

S. R. No. 185—By Senator High-

tower: Memorial resolution for Pfc John D. Barrett.

S. R. No. 186—By Senator Blanchard: Memorial resolution for William H. Evans.

S. R. No. 187—By Senator Schwartz: Memorial resolution for The Right Reverend Monsignor John J. Ruddy.

S. R. No. 188—By Senator Watson: Memorial resolution for William F. Quebe.

S. R. No. 189—By Senator Watson: Memorial resolution for Marvin (Red) Burton.

S. R. No. 190—By Senator Watson: Memorial resolution for James Carroll (Hico) Smith.

S. R. No. 191—By Senator Watson: Memorial resolution for Melton Storrs.

S. R. No. 192—By Senator Watson: Memorial resolution for Mrs. Cordelia Moore.

S. R. No. 193—By Senator Watson: Memorial resolution for Herman Rueter, Sr.

S. R. No. 194—By Senator Watson: Memorial resolution for Mrs. Fey McClintock.

S. R. No. 195—By Senator Watson: Memorial resolution for Curtis Edward Posey, Sr.

S. R. No. 196—By Senator Watson: Memorial resolution for Ben J. Kallus.

S. R. No. 197—By Senator Watson: Memorial resolution for Mrs. A. Harley (Ethel) Brown.

Welcome Resolution

S. R. No. 199—By Senator Watson: Extending welcome to teachers and students from China Spring School in McLennan County.

Adjournment

On motion of Senator Moore the Senate at 11:40 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

Record of Votes

Senators Bernal and Kennard asked to be recorded as voting "Nay" on the motion to adjourn.